| EMAL                                    |                                                    |             | Application Number                                     | 10/       | 648,946       |                          |                                                                |
|-----------------------------------------|----------------------------------------------------|-------------|--------------------------------------------------------|-----------|---------------|--------------------------|----------------------------------------------------------------|
|                                         |                                                    | Filing Date | 8/2                                                    | 6/2003    |               |                          |                                                                |
|                                         | FORM                                               |             | First Named Inventor                                   | Sar       | nti           |                          |                                                                |
| (to be used for a                       | all correspondence after initial                   | filing)     | Art Unit                                               | 161       | 14            |                          |                                                                |
|                                         |                                                    |             | Examiner Name                                          | not       | assigned      | j                        |                                                                |
| Total Number of                         | Pages in This Submission                           |             | Attorney Docket Number                                 | 010       | 0069.01       |                          |                                                                |
|                                         |                                                    | ENC         | LOSURES (Check all th                                  | at apply  | <i>)</i>      |                          |                                                                |
| Fee Trans                               | mittal Form                                        |             | Drawing(s)                                             |           | to            | Technolo                 | ance communication ogy Center (TC)                             |
|                                         | e Attached                                         |             | Licensing-related Papers                               |           | of لـــا      | Appeals                  | mmunication to Board<br>and Interferences<br>mmunication to TC |
| Amendme                                 | nt/Reply                                           |             | Petition Petition to Convert to a                      |           |               |                          | ice, Brief, Reply Brief)                                       |
| L Aft                                   | ter Final                                          |             | Provisional Application  Power of Attorney, Revocation |           | Pr            | oprietary                | Information                                                    |
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| Extension                               | of Time Request                                    |             | Terminal Disclaimer                                    |           |               | ther Enclo<br>entify bel | osure(s) (please<br>ow):                                       |
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| Document                                | Copy of Priority<br>(s)                            | •           |                                                        |           |               |                          |                                                                |
| Response                                | to Missing Parts/                                  |             |                                                        |           |               |                          |                                                                |
|                                         | e Application                                      |             |                                                        |           |               |                          |                                                                |
|                                         | sponse to Missing Parts<br>der 37 CFR 1.52 or 1.53 |             |                                                        |           |               |                          |                                                                |
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| ·                                       | SIGNA                                              | TURE C      | F APPLICANT, ATTORI                                    | NEY, O    | R AGEN        | T                        |                                                                |
| firm<br>or<br>ndividual name            | YUAN CHAO, R                                       | EG. 32,     | 118                                                    |           |               |                          |                                                                |
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### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Appl'n of:

Santi et al.

Att'y Ref. No.:

010069.01

Appl'n No.:

10/648,946

Filed:

Aug. 26, 2003

Group Art Unit:

(as yet unknown)

Examiner:

(as yet unknown)

Title: MOTILIDE COMPOUNDS

Mailing Address:

Kosan Biosciences, Inc.

Intellectual Prop. Dept. 3832 Bay Center Place Hayward, CA 94545

### INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement ("IDS") is submitted to the Patent Office in accordance with the duty of candor and good faith under 37 CFR §1.56. The Examiner is requested to consider the cited information in the examination of this application.

The cited information is listed in the accompanying Form PTO-1449 (4 sheets total), submitted in duplicate. Each item of information is identified there by a unique cite number (A1, A2, ... B1, B2, ... C1, C2, etc.). The Examiner is requested to return an initialed and signed copy of the form, in accordance with MPEP §609.

| CERTIFICATE OF MAILING UNDER 37 CFR §1.8                                                                                   |  |  |  |  |
|----------------------------------------------------------------------------------------------------------------------------|--|--|--|--|
| I hereby certify that this correspondence is being deposited with the United States Postal Service on the date given below |  |  |  |  |
| with sufficient postage as first class mail in an envelope addressed to Box Non-Fee Amendment, Commissioner for            |  |  |  |  |
| Patents, P.O. Box 1450, Alexandria, VA 22313-1450.                                                                         |  |  |  |  |
| Name of person signing certificate: Nancy Impey                                                                            |  |  |  |  |
| Signature: Many Amply Date: 1-26-2004                                                                                      |  |  |  |  |

This application was filed after June 30, 2003. In accordance with the PTO announcement in 1276 OG 255 (Aug. 5, 2003), copies of US patents and published applications are not being furnished with this application.

A number of the items of information were cited or discussed in the application, at the locations indicated in the following table:

| Item of Information<br>(Cite No.) | Application (paragraph no.) |
|-----------------------------------|-----------------------------|
| A4                                | [0063]                      |
| A5                                | [0098]                      |
| A7                                | [0011]                      |
| A8                                | [0011]                      |
| A9                                | [0011]                      |
| A10                               | [0011]                      |
| A11                               | [0010]                      |
| A12                               | [0010]                      |
| A13                               | [0011]                      |
| A14                               | [0052]                      |
| A15                               | [0010]                      |
| A16                               | [0052] (twice), [0053]      |
| A17                               | [0010]                      |
| A18                               | [0053]                      |
| A19                               | [0010]                      |
| A22                               | [0052]                      |
| A23                               | [0053], [0054]              |
| A25                               | [0054], [0098]              |
| A27                               | [0098], [0099]              |
| A29                               | [0029]                      |

Ser. No. 10/648,946 Att'y Docket No. 010069.01 Information Disc. Statement

| Item of Information (Cite No.) | Application (paragraph no.) |
|--------------------------------|-----------------------------|
| В3                             | [0052], [0073]              |
| B4                             | [0052]                      |
| B5                             | [0053]                      |
| В6                             | [0053]                      |
| C1                             | [0073]                      |
| C2                             | [0057]                      |
| C3                             | [0105]                      |
| C6                             | [0009]                      |
| C7                             | [0101], [0105]              |
| C8                             | [0101]                      |

For foreign patents in a foreign language for which no translation into English is available (items B1 and B2), English-language abstracts are provided (items C9 and C10, respectively).

The citation of a particular item of information is not intended to be, and should not be construed as, an admission that such item of information is material to patentability as defined in 37 CFR §1.56 or qualifies as "prior art" within the meaning of applicable law. The materiality and "prior art" status of any item of information is a matter to be resolved during examination.

This IDS is submitted under the provisions of 37 CFR §1.97(b)(3), that is, before the mailing of a first Office Action on the merits. Therefore, no fee, certification or other formality is required. However, in the event a fee is required, the Commissioner is authorized to charge such fee (including but not limited to any fee(s) that might be required under 37 C.F.R. §§1.16, 1.17, or 1.18) against Deposit Account No. 50-2544.

Consideration of the cited information in the examination of this application is respectfully requested.

Respectfully submitted,

té Yuan Chao

Reg. No. 32,118 Telephone (510) 751-5156 Facsimile (510) 751-5143

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(Use several sheets if necessary)

| Docket No. (optional) | Application Number: |
|-----------------------|---------------------|
| 010069.01             | 10/648,946          |
| Applicant:            |                     |
| Santi <i>et al</i> .  |                     |
| Filing Date:          | Group Art Unit:     |
| Aug. 26, 2003         |                     |

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|                  | A5                    | US 5,190,871    | 03/1993 | Cox et al.         | 435   | 172.3         |                            |
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| 010069.01             | 10/648,946          |
| Applicant:            |                     |
| Santi et al.          |                     |
| Filing Date:          | Group Art Unit:     |
| Aug. 26, 2003         |                     |

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# INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION

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| 010069.01             | 10/648,946          |
| Applicant:            |                     |
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| Filing Date:          | Group Art Unit:     |
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|   | Applicant:            |                     |
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010069.01 10/648,946

Applicant:
Santi et al.

Docket No. (optional)

(Use several sheets if necessary)

Filing Date: Group Art Unit: Aug. 26, 2003

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|                     | A5            | US 5,190,871    | 03/1993     | Cox et al.         | 435   | 172.3         |                               |
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|                     | A9            | US 5,538,961    | 07/1996     | Freiberg et al.    | 514   | 183           |                               |
|                     | A10           | US 5,554,605    | 09/1996     | Freiberg et al.    | 514   | 183           |                               |

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| Form 190-1449                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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# INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION

(Use several sheets if necessary)

| Docket No. (optional)<br>010069.01 | Application Number: 10/648,946 |
|------------------------------------|--------------------------------|
| Applicant:                         |                                |
| Santi et al.                       |                                |
| Filing Date:                       | Group Art Unit:                |
| Aug. 26, 2003                      |                                |

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| 010069.01             | 10/648,946          |
| Applicant:            |                     |
| Santi et al.          |                     |
| Filing Date:          | Group Art Unit:     |
| Aug. 26, 2003         |                     |

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|                          | B7            | EP 0,119,431 B1 | 09/1987 | Europe  |       |               | n/a                      |
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| Applicant:            |                     |
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| Examiner<br>Initial   | Cite<br>No. 1 | Document Number | Date | Name | Class | Sub-<br>class | Filing Date If Appropriate |
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